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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,475	01/28/2004	Dean E. Meyer	MDG-006CIP	5070
49055	7590	06/15/2006	EXAMINER	
DANIEL J. DENEUFBOURG 109 WOODSTOCK AVENUE SUITE 100 CLARENDON HILLS, IL 60514			LARSON, JUSTIN MATTHEW	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,475

Applicant(s)

MEYER, DEAN E.

Examiner

Justin M. Larson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-15 and 17-28 is/are rejected.
- 7) ☒ Claim(s) 11, 16, 29 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/1/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-6, 19, and 21-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1-6, it is unclear whether Applicant is attempting to claim the subcombination of the clip alone, or the combination of the clip and the article. Claim 1 recites only a clip with functional language implying the clip's use with an article, while claims 2-4 set forth specific structure of the article.

Claim 2 recites the limitation "the pack" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 recites the limitation "the rearward lateral movement" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "the weight supported member" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. Claims 1-3, 5, 7-10, 15, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Swetish (US 6,199,732 B1).

Swetish discloses a clip (20) adapted for use in connection with an article (14) intended to be carried by a user, the article defining a shell and interior (26), the clip

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defining a body (34) and a pair of rigid spaced-apart arms (40&42) that protrude generally outwardly from a pair of apertures in the shell while the body is located within the shell (col. 3 line 65), the arms being adapted to rest and exert a compressive force against the waist or hips of the user (col. 5 line 60), wherein the arms can be flexed (i.e. bent at the joint) towards and away from each other and are also collapsible (when removed from ball sockets), and wherein a strap (110) extends between and interconnects the arms (via member 70) for pivotal movement with respect to each other. Regarding claim 20, Sweitsh discloses one material for the arms (which form part of the clip) being plastic, Examiner is of the position that plastic is generally a mixture, thus an alloy, of plasticizers, fillers, pigments, and other additives, and that plastic are generally known to retain their original shape after being bent or flexed.

4. Claims 7, 12, 13, 21-25, 27, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Lamar (US 5,419,473 A).

Lamar discloses a golf bag having an outer surface and a handle (80), the golf bag adapted to be carried by a user and comprising a support member, or clip, (60) suspended from the handle and defining a pair of spaced-apart arms (70) adapted to rest against the waist and/or hips of the user, wherein the arms of the clip can be placed adjacent the outer surface of the golf bag or wrapped around the waist and/or hips of the user, fastened together by a strap (72). Regarding claim 25, the arms are adapted to be buckled around the waist of a user at which point they apply a force against the waist of the user. Regarding claim 28, the arms (70) are defined by the material layer or frame of support member (60). No structure has been set forth to define the frame such

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that the layer of material that surrounds support member (60) can be considered the claimed frame.

Claim Rejections - 35 USC § 103

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lamar as applied in paragraph #4 above in view of Opsal (US 4,479,595).

Lamar discloses the claimed invention but fails to specify how the support member is formed, such as a frame member surrounded by a sleeve. While Lamar is silent to the structure of the support member (60), Examiner notes that such support members or waist belts are typically formed from a layer of semi-rigid material (frame) surrounded by a fabric cover (sleeve). Opsal discloses such a waist-belt or support member (5) and teaches that the support member is formed of a semi-rigid frame (18) that is surrounded by a sleeve (5). Opsal teaches that this semi-rigid frame member functions to stiffen the belt and help distribute the load from the user's back to a greater length along around the belt (col. 3 lines 43-49). It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the support member of Lamar out of a semi-rigid frame member surrounded by a sleeve, as taught by Opsal, in order to better distribute the load of the golf bag along the length of the belt.

6. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swetish as applied in paragraph #3 above in view of Lamar (US 5,419,473 A).

Swetish discloses the claimed invention except the pack (14) is in the form of a general backpack and not specifically a golf bag as claimed. Lamar teaches a similar load support system in which a golf bag is taught as being supported by a pair of

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shoulder straps and a waist belt in the same manner as taught by Swetish. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the support system of Swetish to carry a golf bag in the manner as taught by Lamar since both inventions are directed to like support systems for supporting pack-type carriers on a user's back.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lamar (US 5,419,473 A) as applied in paragraph #4 above in view of Feldman, Jr. (us 6,182,874 B1).

Lamar discloses the claimed invention but is silent as to the material structure of the arms (70) of the waist-belt. Feldman, Jr., however, also discloses a support system for carrying a golf bag and teaches that the arms of the waist belt include a layer of dense foam in order to prevent the belt from curling (col. 9 line 5). In other words, when a user attempted to curl the waist-belt, upon release, the belt would assume its original shape. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a layer of dense foam in the arms of Lamar, as taught by Feldman, Jr., since such a construction for golf bag waist supports is old and well known in the art.

Allowable Subject Matter

8. Claims 4 and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 11, 16, 29, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on Monday - Friday, 8am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a


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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JML
6/12/06


NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER